

Appendix 1 – Draft Response to OPSS Call for Evidence: Toys Safety Regulations

Question 1: What factors should be considered if the UK were to continue its recognition of new EU product requirements for toys, including the CE marking?

a. What practicalities or wider issues might continued recognition of EU product requirements for toys involve?

Belfast City Council believes that continued recognition of EU product requirements would support greater consistency in toy safety requirements across Northern Ireland (NI) and Great Britain (GB) and help reduce some of the complexity associated with enforcing differing product safety regimes across the UK. This approach would minimise unnecessary regulatory divergence, making it easier to identify compliant products and determine applicable safety obligations.

It is our understanding that the EU Toy Safety Regulation is intended to strengthen toy safety standards through enhanced controls on harmful substances and the introduction of a Digital Product Passport (DPP). From our perspective, these measures have the potential to improve consumer protection and support enforcement activity, particularly in relation to imported products and toys sold through online marketplaces. However, consideration needs to be given to the following:

- Providing clarity for enforcement authorities and economic operators regarding applicable requirements. Clear guidance and enforcement regulations must be provided by the Office of Product Safety & Standards (OPSS) to support effective enforcement and supporting consistency across different parts of the UK.
- Practical, detailed guidance outlining the new requirements should be developed for economic operators in all stages of the supply chain to assist with understanding and compliance.
- To avoid future divergence, OPSS must consider and communicate any future amendments to EU toy safety legislation in a timely manner that supports effective enforcement.
- The owners of online marketplaces must be more accountable to ensure that only compliant and safe toys are made available to consumers.
- Any new chemical safety requirements should complement existing REACH and CLP-related legislation, and the enforcement mechanism for these should be clear.
- The Council supports measures that contribute to the protection of public health and the environment from harmful chemicals, while encouraging the development of safer products.

b. What practicalities (including additional costs or cost savings, or administrative activities) might this involve for economic operators and traders?

As regulators within a market surveillance authority, the Council is not in a position to comment in detail on the costs, savings or administrative burdens that may arise for businesses. However, we would expect consistency in regulatory requirements to enable businesses to reduce duplication in costs if accessing both UK and EU markets.

c. Overall, would you be in favour of continued recognition of the EU's toys requirements?

Yes, continued recognition of EU toy safety requirements would help support regulatory consistency across the UK and minimise divergence between the arrangements applying in Northern Ireland and Great Britain.

d. What would you see as the benefits of this approach?

Belfast City Council believes the potential benefits include:

- Consistent enforcement of toy safety requirements across the UK market through reduced regulatory divergence between Northern Ireland and Great Britain. This will assist enforcement authorities when assessing compliance.
- Improved opportunities for national coordinated market surveillance activity.
- Less confusion for consumers and economic operators regarding applicable conformity markings and safety requirements.
- Enhanced protection from harmful chemicals through closer alignment with REACH and CLP requirements.
- Improved product traceability and access to compliance information through the Digital Product Passport.
- A potential reduction in the availability of unsafe and non-compliant toys, particularly those sold through online marketplaces.

e. What would be the result if we were not to continue recognising EU product requirements in the new EU Toy Safety Regulation 2025/2509 for goods placed on the market in GB?

Failure to continue recognition of the regulation will lead to increased divergence between the regulatory arrangements applicable in Northern Ireland and those in Great Britain.

In our view, if the Regulation were not recognised in Great Britain, some of the potential benefits relating to enhanced chemical safety requirements, Digital Product

Passports, strengthened online marketplace obligations and improved market surveillance arrangements may not be realised.

Should the UK choose not to recognise the proposed Regulation, businesses may find themselves operating within arrangements that are not fully aligned with either the EU or GB market, creating additional complexity for businesses, consumers and enforcement authorities.

Question 2: What factors should be considered if the UK Government were to implement the same approach to the EU Toy Safety Regulation 2025/2509 across the whole of the UK?

a. What practicalities or wider issues might these new toy safety measures involve if adopted across the UK?

Practical considerations for enforcement bodies include:

- The need for an easily accessible, well-resourced testing laboratory, which is accredited to carry out all the required testing (including allergen and chemical analysis).
- The difficulties for councils when accessing and sharing information due to concerns regarding potential breaches of GDPR. This will only be exacerbated with new online and AI requirements. However, there is an essential need for collaborative working with all the relevant statutory bodies across the UK, with easy access required to systems that enable information sharing between district councils, local authorities and other statutory authorities, or a legislative provision included to permit the sharing of information within and between all relevant statutory authorities.
- The provision of swift and relevant intelligence in an effort to be aware of and respond to technology and online systems, which tend to develop more rapidly than regulation can be updated.
- Being aware of managing expectations around competency and capacity, especially with advances in technology, allergen awareness, AI etc, given market surveillance activities are already limited by resource.
- A requirement for OPSS to remain aware of Northern Ireland's distinct regulatory and enforcement landscape, and the challenges faced in liaising with a competent authority that does not have a dedicated local resource or physical presence to address needs as they arise.

Belfast City Council believes, wider issues include:

- Ensuring consistent application of legislative requirements across all UK jurisdictions.

- Providing clear and appropriate guidance and transition arrangements for enforcement authorities and economic operators.
- Ensuring enforcement authorities have access to the information, training and resources necessary to carry out their functions effectively.
- Facilitating information-sharing arrangements that support product safety investigations and corrective actions.
- Implementing the Digital Product Passport framework in a manner that enables all relevant stakeholders to access and utilise compliance information effectively.
- Supporting compliance with enhanced chemical safety requirements that align with existing REACH and CLP frameworks.
- Ensuring online marketplaces understand and comply with any additional safety responsibilities and are accountable for the products they supply.

It is our understanding that the proposed legislation takes the form of a Regulation, allowing for direct and consistent application across EU Member States, including Northern Ireland. In our view, adoption of a comparable approach across the UK would promote greater consistency of requirements and enforcement practices.

b. What practicalities might this involve for economic operators and traders?

Considering our regulatory function within a market surveillance authority, we do not consider ourselves best placed to comment in detail on operational or financial impacts for businesses.

In our view, the main practical implication for economic operators will be understanding and complying with the revised requirements under the new framework, particularly the enhanced chemical safety provisions and Digital Product Passport obligations.

c. What additional costs or cost savings, or additional administrative activities, would be incurred from these changes?

Considering our regulatory function within a market surveillance authority, we do not consider ourselves best placed to comment in detail on operational or financial impacts for businesses.

d. Overall, would you be in favour of legislation to introduce similar measures?

Yes. In principle, the Council would support measures that maintain a high level of toy safety while promoting regulatory consistency across the UK and reducing unnecessary divergence between Northern Ireland and Great Britain.

e. What would you see as the benefits of introducing the same approach?

Belfast City Council believes the potential benefits include:

- A more consistent regulatory framework across the UK.
- Greater clarity for enforcement authorities.
- Simplified enforcement and compliance assessment.
- Reduced risk of regulatory divergence between Northern Ireland and Great Britain
- Consistent consumer protection standards.
- Improved cooperation and information-sharing between enforcement bodies.
- Better protection of children from harmful chemicals.
- Increased product traceability through Digital Product Passports.
- Improved controls relating to imported products and toys sold through online marketplaces.
- Enhanced consumer confidence in toy safety.

f. Would there be an impact on your business operations or any unintended consequences if a similar approach was not introduced across the UK?

From an enforcement perspective, we consider that differing regulatory requirements between Northern Ireland and Great Britain would increase complexity when determining the applicable legal requirements and assessing compliance. As a district council we need to consider the impact this will have on limited and competing resources.

In our opinion, failure to introduce a similar approach will also increase divergence from the regulatory framework applicable in Northern Ireland under the Windsor Framework, making enforcement activities, business compliance and consumer understanding more challenging.

g. How might introducing the same approach in the UK impact on your organisation's innovation and growth prospects?

Considering our regulatory function within a market surveillance authority, we do not consider ourselves best placed to comment in detail on innovative and growth prospects.

Question 3: Are there any opportunities to make administrative savings for business?

Administrative costs to business in the UK primarily refers to the expenses incurred in demonstrating compliance with government regulations. This includes business time and money spent on paperwork and reporting.

a. What opportunities are there to achieve lower administrative burdens or administrative savings?

Considering our regulatory function within a market surveillance authority, we are not in a position to quantify or assess administrative costs or savings incurred by businesses.

b. Are there any other ways that regulation of toys in the UK could be improved to reduce the burden of regulation on businesses?

While this council is not best placed to comment directly on regulatory burdens experienced by businesses, from an enforcement perspective we consider that the introduction of a requirement for all economic operators to register with their local authority / district council for Product Safety, similar to current legal requirements for food businesses, would assist with more effective businesses support and engagement.

It would also improve communication of new legislative requirements, and support more effective coordination and communication between regulatory authorities based on the Home Authority arrangements when offering advice and guidance to the relevant businesses.

Overall, in the opinion of this authority, maintaining a high level of toy safety while supporting regulatory consistency across the UK should be a key consideration in the development of future toy safety legislation. From our enforcement perspective, minimising unnecessary divergence between Great Britain and Northern Ireland would assist effective market surveillance, provide greater clarity for businesses and consumers, and support local authorities in fulfilling their statutory enforcement responsibilities.